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## Report to Planning & Zoning Commission

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Clay County, Missouri

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**Case Number**                      **July 12-111RZ**

**Case Type**                        **Rezoning**

**Project Name**                    **Owens Estates, Lot 1**

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Applicants/Owners              Zach and Lisa Taylor  
7412 NE 160<sup>th</sup> Terrace  
Smithville, MO 64089

Request                            **Rezoning** from Residential Rural Density District (R-1) to  
Agricultural (AG)

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Application Submittal            2012-05-23

Public Notice Published        2012-06-21

Neighbor Letters Sent         2012-06-19

Report Date                        2012-06-22

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REPORT AUTHOR(S)              Debbie Viviano, Planner  
Matt Tapp, Director

Recommendation                APPROVAL



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## General Information

**Site Location:** 7412 NE 160<sup>th</sup> Terrace  
Section 22 | Township 53 | Range 32

**Site Size:** 20.01± Acres

**Existing Landuse & Zoning:** Agricultural (AG)

## Zoning/Platting History:

Approved 9/25/00 by CC; Res#200-417 from AG to R-1A (Five Acres), Approved 2/26/01 by CC; Res#2001-82 Final Plat (Five Acres, 2<sup>nd</sup> Plat)-NOT RECORDED; Approved by CC 9/30/02, Res # 2002-422 from Residential Low-Density (R-1A) to Agricultural (AG), Approved 10/25/2004 by CC; Res#2004-543 from AG to R-1 & PP-Res#2004-544; Approved 9/26/2005 by CC; Final Plat-Res#2005-409 (Taylor Estates)-NOT RECORDED.

## Surrounding Landuse & Zoning:

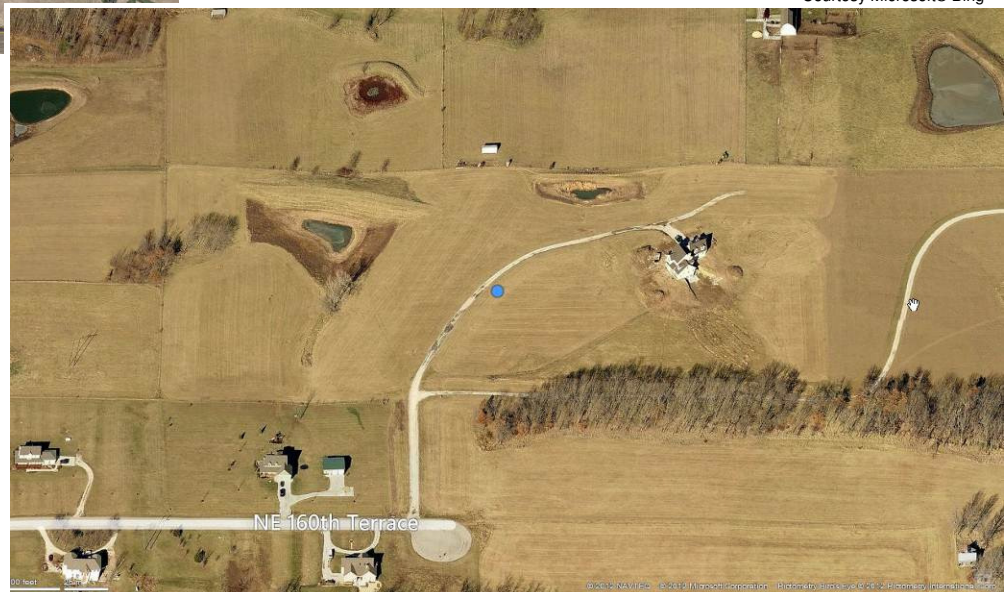
- North – Agricultural (AG) Zoned Land, AAA Estates (R-1)
- East – Agricultural (AG) Zoned Land, Owens Estates, Lot 2 (AG)
- South – Agricultural (AG) Zoned Land, Short Lane Acres (AG)
- West – Agricultural (AG) Zoned Land, Linda's Meadow 1<sup>st</sup> Plat (R-1)

## Current Conditions:

Existing Property Lines = **YELLOW** | Subject Property = **Square Red Hatch**



Courtesy Clay County  
Assessor GIS/Mapping



Courtesy Microsoft® Bing™



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## Assessment

Zach and Lisa Taylor are requesting **Rezoning** approval from Residential Rural District (R-1) to Agricultural (AG) District for Lot 1, Owens Estates 20.01 acres located at 7412 NE 160<sup>th</sup> Terrace.

The property owners would like to rezone the property back to Agricultural (AG) District for future placement of accessory buildings.

## 2008 Comprehensive Plan Considerations

The Comprehensive Plan ("Plan") indicates that the subject property is located in the **NATURAL RESOURCES TIER** and within the Little Platte Watershed of the Smithville Lake Reservoir.

The following tables illustrate two (2) of the most pertinent policies shaped by the Plan. The first (1<sup>st</sup>) table shows the land use tiers and corresponding guidelines, and the second (2<sup>nd</sup>) explains the exceptions to the 20-acre minimum lot size policy as directed by the Plan.

Table 4.2 - Land Use Planning Tiers - Presented on the Planning Tier Map			
	Natural Resources Tier* (Yellow)	Rural Low-Density Tier* (Green)	Urban Services Tier* (Salmon)
Intent	Support continued agricultural uses in areas beyond near- and long-term urban service extensions.	To accommodate low density rural uses in areas located beyond anticipated city annexation areas.	To promote urban development compatible with the long range growth plans of adjoining cities.
Primary Uses	Agricultural-related uses, natural resources	Agricultural crop lands, livestock grazing, woodlands, grasslands, rural residences	Urban density residential and non-residential
Residential Uses	Rural Density: 1 dwelling unit per 20+ acres.	Rural Density; Rural Residential Density: low-density rural residential development: 1-dwelling unit per 20+ acres, or 1-farmstead dwelling on 5+ acres; Suburban Density: moderate-density development on municipal-level services: up to 4- units per acre.	Suburban Density: moderate-density development on municipal-level services: up to 4- units per acre. Urban Density: development on municipal-level services: greater than 4-units per acre.  20-acre minimum for agricultural and rural residential uses until such time as urban development occurs.
Non-Residential Uses	Farm service related, recreation	Farm service related, recreation	Recreation, limited commercial and industrial consistent with the long range growth plans of adjoining cities.
Minimum Sanitary Sewer Provisions	On-site septic, Community Wastewater Facility if indicated by LESA guidance.	On-site septic, Community Wastewater Facility if indicated by LESA guidance.	Municipal Wastewater Treatment Plant connection for Suburban Density or greater. <sup>(3)</sup>
Zoning Districts	Ag-related zoning districts; Open Space & Parks; non-agricultural zoning if on strict standards (not including Res. Low Density, such as on 3-acre lots).	Ag-related zoning districts; Open Space & Parks; non-agricultural zoning if on strict standards (not including Res. Low Density such as on 3-acre lots).	Open Space & Parks; and residential districts through general industrial (not including Res. Low Density such as on 3-acre lots).  AG, Agricultural zoning is appropriate until full range of urban services available.

<sup>(3)</sup> On-site septic allowed for agricultural uses only.

\* The **Planning Tier Map** notes a special designation of areas within one mile of each city: "1-Mile Urban Coordination Sub-Tier" where advise-and-consent should be solicited from the designated city. The applicant will be required to submit a letter from the city of jurisdiction concerning the proposal. The Clay County Planning and Zoning Commission may consider the letter as a non binding city recommendation for Clay County to consider in their deliberations.



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Table 4.3 – Option B for Land Use Tier Implementation: Transition Policy Procedures			
	Natural Resources Tier* (Yellow)	Rural Low-Density Tier (Green)	Urban Services Tier (Salmon)
Intent	Exceptions from 20-acre minimum lot size in Ag-districts / phasing in of new regulations		
Density Exceptions for Legal Lots of Record as of the date of Revision of the Land Development Code	Subdivision of land to 5+acre lots, provided that 50% of the subdivided parcel is preserved, such as in an agriculture deed restriction.	Or, subdivision of land to 10+acre lots, provided that a "shadow plat" at urban density is approved.	Subdivision of land to 10+acre lots, provided that a "shadow plat" at urban density is approved, and—for plats within one mile of a city—the city's issues have been addressed.
Other Exceptions	Farmstead** dwellings allowed on 5+acre parcels.		City within one mile may review and recommend other exceptions granted in other tiers, provided a "shadow plat" at urban density is approved.

\* The Natural Resources Tier includes an "Urban Services Transition Sub-Tier" area along M-92 and C-Highways that extends where urban development is influenced by the urban highway, yet remains within the Natural Resources Tier designation for purposes of enhanced environmental review and scrutiny.

\*\* A "Farmstead Dwelling" is the original residence built and initially occupied by a farm family, regardless of whether the current household occupant is associated with farming.

The subject request meets the spirit and jest of the 2008 Comprehensive Plan.

## **Character of the General Neighborhood**

Agricultural (AG) zoned property is in each direction of the property with a few R-1 zoned subdivisions [See Attachment B].

## **LDC Considerations**

The rezoning application was properly noticed in the Kearney Courier on April 12, 2012. Adjacent property owners within the statutory law mandated 1,000 foot distance were notified by means of a certified letter dated mailed on April 10, 2012. The petitioner should fully address the five (5) rezoning criteria in the Land Development Code (LDC) which requires the following standards be met with a rezoning application (*Section 151-3.3 F*):

1. Whether or not the proposed amendment corrects an error or inconsistency or meets the challenge of a changing condition in the area;
2. Whether or not the proposed amendment is consistent with the *Comprehensive Plan* and the stated purpose and intent of Sec. 151-1.7;
3. Whether or not the proposed zoning district as a whole allows development that is compatible with existing uses and zoning of nearby property;
4. Whether or not the county and other service providers will be able to provide adequate public facilities and services to the subject property, while maintaining adequate levels of service to existing development; and
5. Whether or not the proposed amendment would result in significant adverse impacts on other property in the vicinity of the subject tract or on the environment, including air, water, noise, storm water management, and natural resources.

## **Outside Agency Review**

The Clay County Highway Department (CCHD) has noted "*R-1 to AG rezone does not affect CCHD permits as written*".

The Clay County Health Department has given final approval for the rezoning. The Public Water Supply District No. 9 presently provides water service for the property. The Smithville Fire District serves the property.



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### Findings

No opposition has been received as of the date of this report.

### Recommendations

It is the recommendation of staff that the request for **Rezoning** from Residential Rural district (R-1) to Agricultural (AG) district for Lot 1, Owens Estates be **approved** subject to the petitioner addressing all rezoning standards.





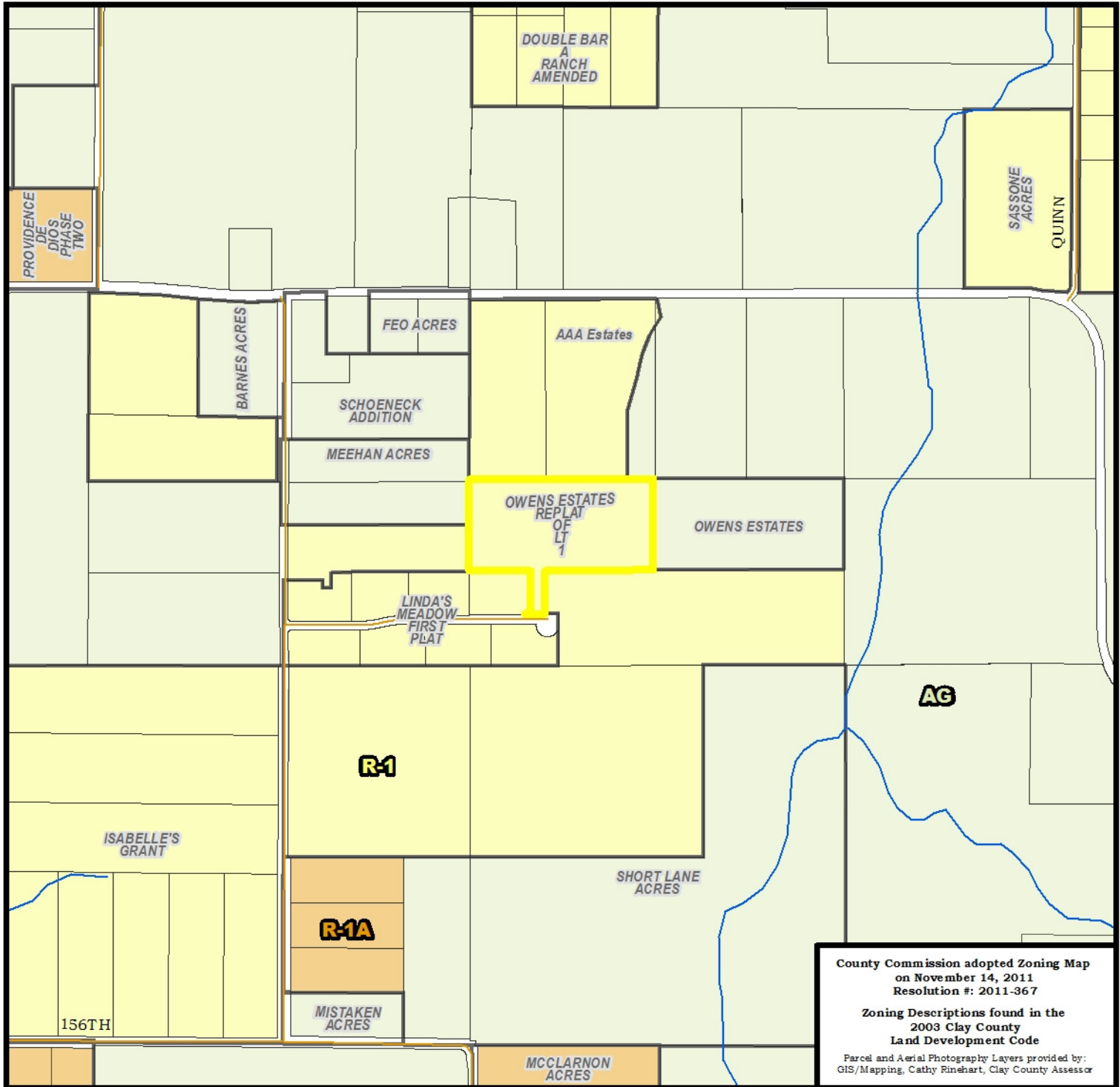
## Attachments

## TOWNSHIP 53N • RANGE 32W



# July 12-111RZ - Owens Estates

## Attachment B - Existing Conditions Map



County Commission adopted Zoning Map  
on November 14, 2011  
Resolution #: 2011-367

Zoning Descriptions found in the  
2003 Clay County  
Land Development Code

Parcel and Aerial Photography Layers provided by:  
GIS/Mapping, Cathy Rinehart, Clay County Assessor

Planning & Zoning Department



1 inch = 1,000 feet  
1 inch = 0.19 miles

### LEGEND

Property Line



parcel



Streams (EPA)



Roads

CLASS



Interstates



State Highways



Local Roads



Highway Ramps

Overlay Districts

OVERLAY

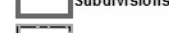


CD (Conservation District)



PUD (Planned Unit Development)

Subdivisions



County Boundaries



2011 City Limits



Parks



Zoning Districts

AG

R-1

R-1A

R-1B

R-3

R-5

C-1

C-2

C-3

I-1

I-2

OP